

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ROD BITNEY**, on January 29, 2003 at 3:00 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Rod Bitney, Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Dee Brown (R)
Rep. Eileen J. Carney (D)
Rep. Tim Dowell (D)
Rep. Daniel Fuchs (R)
Rep. Scott Mendenhall (R)
Rep. John Parker (D)
Rep. Diane Rice (R)
Rep. Brennan Ryan (D)
Rep. Jim Shockley (R)

Members Excused: Rep. Alan Olson, Vice Chairman (R)
Rep. Hal Jacobson (D)
Rep. Jeff Laszloffy (R)

Members Absent: None.

Staff Present: Glenna McClure, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 392, 1/22/2003; HB 424,
1/22/2003
Executive Action: HJ 12; HB 303; HB 304; HB 131; HB
392

HEARING ON HB 392

Sponsor: REPRESENTATIVE SANDY WEISS, HD 13, BILLINGS

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 1.6 - 3.5}

REP. WEISS said that HB 392 is an act eliminating the Interim Universal Access Program for advanced telecommunication services and providing for an immediate date. The program was established by the 1997 Legislature to fund discounts for connections to advanced telecommunications services to make them more affordable to schools, libraries and health care providers. No one has paid into this fund in some time. During the special session, the fund was divided between the General Fund, and the Department of Public Health and Human Services (DPHHS). The General Fund received 10% and the DPHHS received 90% of the \$657,000 that was in the fund.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 3.5 - 6.2}

Greg Jergeson, Commissioner, Montana Public Service Commission, said that the Commission unanimously supports passage of this bill. He provided written testimony.

EXHIBIT(feh19a01)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 6.2 - 7.6}

REP. WEISS asked that the committee recommend a Do Pass on this bill.

EXECUTIVE ACTION ON HB 392

{Tape: 1; Side: A; Approx. Time Counter: 7.6 - 8.6}

Motion/Vote: REP. DOWELL moved that HB 392 DO PASS. Motion carried 14-0. REPRESENTATIVES LASZLOFFY, OLSON, and JACOBSON voted yes by proxy.

HEARING ON HB 424

Sponsor: REPRESENTATIVE LARRY JENT, HD 29, BOZEMAN

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 8.6 - 13.3}

REP. JENT said that it is a fundamental right for citizens to be left alone. This bill sets up a no-call register. Companies wishing to do telemarketing in Montana must obtain a copy of the register which lists people who do not want telemarketing calls. If they call people on this list, they are subject to penalties. The bill also prohibits interference with caller identification services. It establishes a special revenue account to accommodate the fees that the telemarketers must pay.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 13.3 - 20.1}

Pam Bucy, Assistant Attorney General, said that the Attorney General's Office has entered a similar bill in the Senate. This service is free to consumers and taxpayers. There is a web site that consumers can access to be included on the no-call list. It is hoped that the fees levied on the telemarketers will facilitate setting up a 1-800 line for consumers.

Court Jenson, Attorney, Montana Office for Consumer Protection, said that this bill is similar to SB 62. He would suggest an amendment to include the Federal Trade Commissions federal list.

Jim Kembel, Montana Association of Chiefs of Police, said that they support the bill.

Del Lonnquist, member, AARP (American Association of Retired Persons) Montana Capital City Task Force, provided a written copy of his testimony.

EXHIBIT(feh19a02)

Rick Hays, Qwest, also supports this bill. Colorado has a similar program which has been very successful.

Opponents' Testimony: None

Informational Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 20.1 - 22.9}

Mike Davis, Kirby Company, said that it would be helpful to have the phone numbers sorted by city. He indicated that the Kirby Company is not affected by this bill because they are not required to be licensed by the state. They are required to be licensed by the city.

Questions from Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Counter: 22.9 - Tape:1; Side: B; 7.5}

REP. BROWN asked about a fee on the phone bill to be on a no-call list.

Mr. Jenson said that some companies offer a no-call list for a fee. The fee is unnecessary since this service is free for anyone wanting to be placed on a no-call list.

REP. RICE asked if there is already a no-call list in the state.

Mr. Jenson said that the no-call lists that are in effect are those kept by individual companies. Presently, if you do not want telemarketing calls, you need to contact each business to get on their individual lists.

REP. RICE asked about the exclusions.

REP. JENT said that this bill was meant to eliminate "cold" calling. It does not affect charities calling to raise money or businesses calling their customers to set up appointments.

REP. MENDENHALL asked if this bill was redundant with the federal law.

REP. JENT said, "No."

REP. MENDENHALL asked if this bill would prevent a nonprofit agency from selling light bulbs.

REP. JENT said that nonprofit agencies are exempt from the no-call list.

REP. DOWELL asked Mr. Davis why the Kirby Company is not affected by this bill.

Mr. Davis said that the Kirby Company is not required to be licensed by the State of Montana. They have a city license.

REP. SHOCKLEY asked **REP. JENT** what killed this bill last session.

REP. JENT said that the exemptions were not as defined.

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 7.5 - 9.3}

REP. JENT said that he hoped that this bill will be passed.

EXECUTIVE ACTION ON HB 303

{Tape: 1; Side: B; Approx. Time Counter: 9.3 - 25.3}

Motion: **REP. OLSON** moved that **HB 303 DO PASS.**

REP. SHOCKLEY offered amendment number HB030301.amv.

Motion/Vote: **REP. SHOCKLEY** moved that **AMENDMENT HB 030301.AMV DO PASS.** Motion carried unanimously.

REP. JACOBSON offered amendment number 030302.amv

Substitute Motion/Vote: **REP. SHOCKLEY** made a substitute motion that **HB 303 BE AMENDED** to change the mileage from 50 to 150. Substitute motion carried unanimously.

Motion/Vote: **REP. SHOCKLEY** moved that **HB 303 DO PASS AS AMENDED.** Motion carried unanimously.

Staff person, Mary Vandebosch, will process the new amendments to send to the Office of the Chief Clerk.

EXECUTIVE ACTION ON HB 304

{Tape: 1; Side: B; Approx. Time Counter: 25.3 - Tape: 2; Side: A; 19.0}

Motion: REP. OLSON moved that HB 304 DO PASS.

Motion/Vote: REP. OLSON moved that HB 304 BE AMENDED. Motion carried 10-4 with REPRESENTATIVES CARNEY, DOWELL, JACOBSON, and PARKER voting no.

EXHIBIT (feh19a03)

Motion/Vote: REP. OLSON moved that HB 304 DO PASS AS AMENDED. Motion carried 10-4 with REPRESENTATIVES CARNEY, DOWELL, JACOBSON, and PARKER voting no.

EXECUTIVE ACTION ON HJ 12

{Tape: 2; Side: A; Approx. Time Counter: 19 - 24.1}

Motion: REP. FUCHS moved that HJ 12 DO PASS.

Mary Vandembosch went over the amendments with the committee.

Motion/Vote: REP. FUCHS moved that HJ 12 BE AMENDED. Motion carried unanimously.

EXHIBIT (feh19a04)

Motion/Vote: REP. FUCHS moved that HJ 12 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 131

{Tape: 2; Side: A; Approx. Time Counter: 24.1 - Tape 3: Side: A; 7.9}

Motion/Vote: REP. DOWELL moved that tabled bill, HB 131, be removed from the table. Motion carried 10-4 with REPRESENTATIVES BROWN, LASZLOFFY, MENDENHALL, and RICE voting no.

REP. DOWELL said that what needs to be done is to remove the original amendments and change the amount to \$100.00.

Motion/Vote: REP. DOWELL moved that the original amendments to HB 131 be removed. Motion carried 10- 4 with REPRESENTATIVES BROWN, MENDENHALL, LASZLOFFY, and RICE voting no.

Motion/Vote: REP. DOWELL moved that HB 131 BE AMENDED. Motion carried 11-3 with REPRESENTATIVES LASZLOFFY, MENDENHALL, and RICE voting no.

EXHIBIT(feh19a05)

Motion/Vote: REP. DOWELL moved that HB 131 DO PASS AS AMENDED. Motion carried 11-3 with REPRESENTATIVES LASZLOFFY, MENDENHALL, and RICE voting no.

ADJOURNMENT

Adjournment: 4:50 P.M.

REP. ROD BITNEY, Chairman

GLENNA MCCLURE, Secretary

RB/GM

EXHIBIT (feh19aad)